

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application and for granting a telephonic interview to applicant's attorney. The interview occurred on May 12, 2009. The participants were Examiner To and attorney Brad Spencer. During the interview, the Examiner agreed that the current claim amendments would both overcome the rejections under 35 U.S.C. 112 and distinguish the claimed subject matter over the cited references. Applicant's attorney agreed to amend the specification as reflected in the current amendment and, further, to submit a terminal disclaimer to address the double patenting rejection.

Claims 1-27 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-23 of USPN 6,832,377. A terminal disclaimer has been submitted by the undersigned attorney of record.

Claims 8-18 and 21-24 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement, and under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 23 and 24 have been canceled. Applicant respectfully submits that the current amendment overcomes the rejections under 35 U.S.C. 112.

Claims 12-14 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bartz. Claims 1-11 and 15-27 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bartz in view of Oliver. Claims 23, 24 and 27 have been canceled. The Examiner agreed that the current claim amendment distinguishes the claimed subject matter over the cited references during the telephonic interview of May 12, 2009. Therefore, applicant respectfully submits that the present application is in condition for

allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. ACER-45172.

Respectfully submitted,
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